R E M A R K S

Applicant is submitting new claims 62-81 to correct the inconsistencies noted by the Examiner.

The Examiner also maintained a rejection of claims 42-43, 46-48, and 59 as being anticipated by Moncada et al or Kobzik et al or Fujisawa et al.

Claims 42, 46-48, and 59 were rejected as being anticipated by Ikeda.

Claims 42 and 43, 46-48 and 59 were rejected as being obvious over Ikeda or Kobzik et al or Fujisawa.

Moncada et al proposes that an antibody be used to specifically detect NO synthase. Also, if such an antibody were found, this antibody would be useful in diagnosis of diseases associated with NO synthase. Although the theory proposed represents a result which is desirable, Moncada fails to specifically disclose a monoclonal antibody which would serve the theoretical function described therein. Moncada does disclose a sequence of human iNOS but this information fails to disclose or teach the monoclonal antibody which is specific to the detection of hiNOS.

Kobzik et al discloses the use of polyclonal antibodies that recognize both iNOS and eNOS in immunoassays. Again, Kobzik fails to disclose a monoclonal antibody which is specific to the detection of hiNOS which may be used in an immunoassay.

Fujisawa discloses the detection of human iNOS using an anti-rat-iNOS antibody by Western Blotting. However, the anti-rat-iNOS antibody does not show or render obvious Applicant's monoclonal antibody which specifically recognizes hiNOS. It is alleged that the Fujisawa anti-rat-iNOS antibody is non-specific, in this regard.

Ikeda teaches the role of NO as an indicator of ulcerative colitis. However, a monoclonal antibody which is specific to hiNOS is not disclosed. In fact, it is generally understood that in human ulcerative colitis conditions, both eNOS and iNOS are produced. Further, the Ikeda antibody employed comprises a polyclonal antibody which does not fall under the claims of the method sought for patenting in the present invention.

Although monoclonal antibodies and polyclonal antibodies both have advantages, it is not obvious to one of ordinary skill in the art to produce a monoclonal antibody which is specific to the detection of hiNOS, since none of the references disclose such an antibody. Although such a monoclonal antibody has been theorized, such as the proposal in the Moncada reference, all prior efforts by others have failed until now to produce such a specific monoclonal antibody and to use the same in an immunoassay to detect the presence of hiNOS. Applicant's assay achieved this novel result quickly and with a high degree of sensitivity.

It is believed that the claims as amended are now in condition for allowance and the passing to issue of the application at an early date is earnestly solicited.

A two-month extension of time is requested and the requisite fee is enclosed. Any credit or deficiency may be attributed to deposit account 02-2273.

Respectfully submitted,

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TJB:jjl

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